

10191/4206
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Pascal KOCHER
Serial No. : 10/574,208
Int'l. Filing Date : July 22, 2004
For : DEVICE FOR FATIGUE WARNING IN MOTOR
VEHICLES HAVING A RUN-UP ALARM SYSTEM
Examiner : Unknown
Group Art Unit : 2612

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Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

SIR:

Applicant hereby petitions to have the holding of abandonment dated November 11, 2007 for the above-identified patent application withdrawn in view of the following facts:

A Notification of Missing Requirements Under U.S.C. 371 mailed March 8, 2007 was received by the undersigned Attorney for Applicant. The Office Action set a two-month response period expiring May 8, 2007.

On May 8, 2007, Applicant's Attorney mailed to the Patent Office a Response to the Notification of March 8, 2007, enclosing an executed Declaration and Power of Attorney, a copy of the Notification and a return receipt postcard listing the enclosures. Applicant submitted the Response via Express Mail by Express Mail Label No. EV 885 413 276 US. Applicant also authorized the Office to charge Deposit Account

EXPRESS MAIL NO.: EV 321 841 110 US

11-0600 for the \$130.00 fee required with the response, which was signed by Applicant's Attorney.

A postcard listing the Response to the Notification of Missing Requirements and the executed Declaration, as well as the Deposit Account Number, and bearing a date stamp of receipt dated May 8, 2007 was received by Applicant's attorney from the Patent Office. The Patent Office-stamped return receipt postcard is evidence that the Office received the Response.

Copies of the Response, the Declaration and Power of Attorney post card receipt and Express Mail receipt stamped by the Post Office on May 8, 2007 are enclosed herewith.

In light of the above, it is respectfully submitted that a timely response to the Notification of Missing Requirements was filed. It is therefore respectfully requested that the Notice of Abandonment be withdrawn and the application returned to the Examiner for further action.

It is believed that no fee is necessary in connection with this Petition. However, should a fee be required, the Commissioner is authorized to charge Deposit Account No. 11-0600. This Petition is submitted in duplicate.

Respectfully submitted,

KENYON & KENYON LLP

Date 12/3/07



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EV885413274US

Case No. 101914206

Atty. GAM

Ser. No. 10574, 208

Due Date 5/8/07

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

WAP12 Rec'd PCT/PTO 08 MAY 2007

Application

Extension Request

Amendment

Priority Document

Assignment

Issue Fee

Notice of Appeal

Declaration

Prior Art Statement

Small Entity

Appeal Brief

MISSING REQUIREMENTS

Dep Acct 11-0600